

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

JAMAL A. AZEEZ,

Petitioner,

v.

CIVIL ACTION NO. 5:03-00252

JAMES S. RUBENSTEIN,
Commissioner, WILLIAM S.
HAINES, Warden,

Respondents.

MEMORANDUM OPINION AND ORDER

Pending before the court is petitioner's motion for reconsideration. (ECF No. 36). By Memorandum Opinion and Order dated July 6, 2018, the court denied Azeez's motion to reopen his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed in 2003. See ECF No. 35.

Motions to reconsider are generally disfavored. See Candidate #452207 v. CFA Institute, No. 1:11-CV-1167 (GBL/JFA), 2012 WL 13028142, *1 (E.D. Va. Jan. 13, 2012). As one court explained:

Motions for reconsideration serve a limited purpose: "to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3rd Cir. 1985), cert. denied, 476 U.S. 1171, 106 S. Ct. 2895, 90 L.Ed.2d 982 (1986). It is within the sole discretion of the Court as to whether the granting of a motion to reconsider is appropriate. Boryan v. United States, 884 F.2d 767, 771 (4th Cir. 1989). A motion to reconsider should not be granted where the moving party simply seeks to have the Court "rethink what the Court ha[s] already thought through—rightly or wrongly." Above the Belt, Inc. v.

Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983).

United States v. Torain, 77 F. Supp.2d 749, 751 (S.D.W. Va. 1999); see also Candidate #452207, 2012 WL 13028142, at *1 ("Such motions serve very limited purposes: to correct the court's misapprehension of a party's position or manifest errors of law or fact, or to present newly discovered evidence."). "Such problems rarely arise and the motion to reconsider should be equally rare." Candidate #452207, 2012 WL 13028142, at *1 (quoting Above the Belt, Inc. v. Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983)).

Azeez's motion is simply a request that the court change its mind. For this reason and the reasons outlined in the Memorandum Opinion and Order of July 6, 2018, the motion to reconsider is **DENIED.**

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 7th day of January, 2019.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge